

REMARKS

The Examiner required restriction of one of the following inventions:

I. Claims 1-10 and 18-19 drawn to method for initiating, via a master device, unregistration at a controller having a first wireless coverage area, the unregistration being of a dependent in communication with the master device using a communication channel on a frequency band $f(1)$; and transmitting a message, using a frequency $f(2)$, to the dependent indicating to the dependent to register with a network element having a second wireless coverage area, the first wireless coverage area being within the second wireless coverage area, the network element being at a higher level than the master device in a hierarchy of the communication network communications (see fig. 4), classified in class 455, subclass 439.

II. Claims 11-17 drawn to method for searching at a dependent for one or more frequency hopping sequences from a set of frequency hopping sequences; registering the dependent with a first master device and a controller when a first frequency hopping sequence is detected, the first frequency hopping sequence being associated with the first master device; continuously monitoring for frequency hopping sequences in the set of frequency hopping sequences; registering the dependent with one of (1) the controller and (2) a second master device and the controller if the dependent detects a signal transmitted on a second frequency hopping sequence associated with the one of (1) the controller and (2) the second master device & the controller having a higher signal strength than a signal transmitted on the first frequency hopping sequence (see fig. 3), classified in class 455, subclass 438.

In response to the Examiner's restriction/election requirement, Applicant elects, with traverse, to prosecute Group I including claims 1-10 and 18-19. Applicant specifically reserves the right to file a divisional application directed to non elected claims 11-17.

With respect to Applicant's traversal, Applicant respectfully directs the Examiner's attention to M.P.E.P. § 803 which states:

"If the search and examination of an entire application can be made without serious burden, the Examiner must examine on the merits, even though it includes claims too distinct or independent invention."
(emphasis added)

There are two criteria for a proper requirement for restriction. The invention should be independent or distinct, and

"2) there must be a serious burden on the Examiner if a restriction is not required. See M.P.E.P. §803.092, 806.04 A through J, 808.01(a) and 808.02."

Applicant respectfully submits that the Examiner would not be unduly burdened if forced to examine Group II. Specifically, Applicants respectfully note the current Restriction Requirement constitutes at least the 9th Office Action in this case which received its first Office Action in 2006. Thus, the Examiner has, on multiple occasions, already considered all of claims 1-19. Consequently, it is inconceivable to Applicants that a **serious** burden on the Examiner could exist if the Examiner is required to examine all of claims 1-19 at least because claims 1-19 **have already been examined** numerous times.

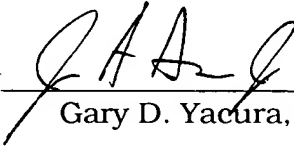
Consequently, Applicants respectfully submit the criteria for requiring a restriction as stated in M.P.E.P. § 803 have not been met, and thus, this restriction requirement is improper and should be removed.

For all of the above stated reasons, reconsideration and withdrawal of the outstanding restriction/election requirement and favorable allowance of all claims in the instant application are earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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